

Appl. No. 10/766,231
Amtd. Dated December 27, 2006
Reply to Office Action of October 18, 2006

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REMARKS

DEC 27 2006

This is a full and timely response to the final Office action mailed October 18, 2006. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 2, 5-12, 15-17, and 20-25 are pending in this application, with Claims 1, 11, and 16 being the independent claims. Claims 1, 7, 16, and 22 have been amended herein. No new matter is believed to have been added.

Objections to the Specification

The specification was objected to as allegedly failing to provide proper antecedent basis for various terms in Claims 7, 16, and 22, and cites 37 CFR § 1.75(d)(1) and MPEP § 608.01(o) in support of the objections. In the event this issue must be appealed to the Board of Patent Appeals and Interferences, Applicants once again submit that 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(o) are being misread and misapplied to the instant application. As previously noted, 37 C.F.R. § 1.75(d)(1) states that “the terms and phrases used in the claims must find clear support *or* antecedent basis in the description *so that the meaning of the terms in the claims may be ascertainable* by reference to the description.” See 37 C.F.R. § 1.75(d)(1) (emphasis added). Moreover, M.P.E.P. 608.01(o) states that “[t]he meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import; and in mechanical cases, it should be identified in the descriptive portion of the specification by reference to the drawing, *designating the part or parts therein to which the term applies.*” See M.P.E.P. 608.01(o) (emphasis added). These rules and guidelines do not require that each and every term that denotes structure be used in a verbatim sense, nor that each term has to have a specific reference numeral in the drawings. Rather, Applicants submit that the intent of Rule 75 and M.P.E.P. § 608.01(o) is that the description be written so that terms used in the claims are *readily ascertainable* and that, especially in mechanical-type cases, the part *to which claim terms apply* are identified.

The Examiner somehow feels that because there is a form paragraph available to make objections of this sort, he is justified in making the objections. This is, of course,

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nonsense. The form paragraph is made available for use when such objections are justified. Here, the objections clearly are not.

Nonetheless, in response to these objections, Applicants have selectively amended the claims so that there is no lack of antecedent basis with the specification. Specifically, Applicants have amended Claims 7 and 22 to recite "one or more of the internal cooling channels" rather than "one or more of the coolant channels." Paragraph [0027] of the as-filed specification clearly and unambiguously states that "[i]n the depicted embodiment, four internal cooling channels 302a-d are formed in the airfoil 206, though it will be appreciated that in alternative embodiments more or less than this number of cooling channels 302 could be included." Hence, this paragraph provides clear antecedent basis for "one or more internal cooling channels" in Claims 7 and 22.

As regards independent Claim 16, Applicants have deleted all recitation to the compressor and combustor, other than stating that the turbine is coupled to receive combusted air from a combustor and compressed air from a compressor. None of this language has been objected to, nor should it be since clear support therefor is found in the as-filed specification.

The specification was also objected to for a minor informality in paragraph [0032], which Applicants have corrected herein.

In view of the foregoing, Applicants respectfully solicit reconsideration and withdrawal of the objections to the specification.

Objections to the Claims

Claim 13 was objected to for being an improper dependent claim. Applicants have canceled this claim herein, thereby mooting this objection. Hence reconsideration and withdrawal of the same is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 5-7, 16, 17, and 20-22 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,206,638 (Glynn et al.), and Claims 1, 2, 5-8, 16, 17, and 20-23 were rejected under 35 U.S.C. § 102 as allegedly being anticipated

Appl. No. 10/766,231

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by European Patent Application No. 742,347 (Alison Engine). These rejections are respectfully traversed.

Independent Claims 1 and 16 now each recite features commensurate in scope with as-filed dependent Claim 14, which was previously indicated as being directed to allowable subject matter. As such, the § 102 rejections are believed to have been mooted, and reconsideration and withdrawal thereof is respectfully requested.

Conclusion

Based on the above, independent Claims 1, 11, and 16 are patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,
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